



The one-hundred-and-sixth meeting of the Joint Nature Conservation Committee to be held at 0900 hours on 17 March 2016, at JNCC, Monkstone House, City Road, Peterborough, PE1 1JY

This paper is provided to the Joint Committee for decision/discussion or information. Please refer to the minutes of the meeting for Committee's position on the paper.

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OFFICIAL-SENSITIVE

Joint Nature Conservation Committee

Minutes of the one hundred and fifth meeting of the Joint Nature Conservation Committee held on 26th November 2015

1. The Joint Committee is asked to **approve** the unconfirmed minutes of the one hundred and fifth meeting of the Joint Nature Conservation Committee held on 26 November 2015.



Joint Nature Conservation Committee 105th Meeting Minutes Unconfirmed confidential minutes

Date: 26 November 2015

Time: 08:45

Venue: Monkstone House, City Road, Peterborough, PE1 1JY

Present

Dr Bob Brown

Independent member

Mr Guy Duke

Independent member

Professor Colin Galbraith

Independent member

Professor Chris Gilligan

Independent Chair

Professor David Hill (item 5 onwards)

Natural England

Dr Joe Horwood

Natural England

Professor Michel Kaiser

Independent member

Dr Hilary Kirkpatrick

Council for Nature Conservation and the Countryside

Professor Peter Matthews

Natural Resources Wales

Professor Howard Platt

Council for Nature Conservation and the Countryside

Dr Susan Walker

Scottish Natural Heritage

In attendance

Mrs Debbie Edwards (items 1-6)

National Audit Office

Mr Mike Evans

Natural Resources Wales

Dr Vin Fleming (item 10)

JNCC

Dr John Goold

JNCC

Mrs Sue McQueen

JNCC

Mrs Tracey Quince

JNCC

Mr Paul Rose

JNCC

Mr Dave Stone

Natural England

Dr Steve Wilkinson (item 8)

JNCC

Mr Marcus Yeo

JNCC

Mr Jonathan Capstick (Items 7, 8 and 10)

Defra

Ms Lucy Stone (items 7, 8 and 10)

Defra

Apologies

Members:

Professor Ian Bateman
Independent member

Mr Ian Ross
Scottish Natural Heritage

Attendees:

Mr Andrew Bachell
Scottish Natural Heritage

Mrs Ceri Davies
Natural Resources Wales

Mrs Helen Anderson
DOENI

Mr Colin Armstrong
DOENI

Dr Steve Gibson
JNCC

1 Chairman's opening remarks

- 1.1 Professor Gilligan welcomed everyone to the 105th meeting of the JNCC.
- 1.2 Professor Gilligan updated members on changes to the Committee. Professor Howard Platt, recently appointed Deputy Chair of the Council for Nature Conservation and the Countryside in Northern Ireland, was welcomed to his first meeting. This was Professor Matthews' last meeting. Thanks were expressed by all for his work with JNCC. Mr Duke and Dr Brown had been re-appointed to the Committee for a further 12 months. The appointment process to replace Mr Duke and Dr Brown was therefore postponed until later in 2016.
- 1.3 Professor Gilligan introduced Mr Dave Stone, Natural England, who was attending in place of Dr Tim Hill, and Mr Mike Evans, Natural Resources Wales, who was attending in place of Ms Ceri Davies.
- 1.4 Professor Gilligan introduced Mrs Tracey Quince who had recently been appointed to a new post as Governance Manager. Mrs Quince has provided support for the Audit and Risk Assurance Committee for a number of years and will now also be supporting the Joint Committee in her new role.
- 1.5 Professor Gilligan reported that since the last meeting he had met Mr Carl Sargeant (Welsh Government Minister for Natural Resources), Mr Andrew Sells (Chair of Natural England) and Sir Harry Studholme (Chair of the Forestry Commission). Meetings with Defra, Scottish and Northern Irish ministers are scheduled in the coming weeks.
- 1.6 Mr Duke reported that he had recently attended a meeting of arms-length bodies in Defra where there had been presentations from the Permanent Secretary (Clare Moriarty) and the Chief Operating Officer (Betsy Bassis). Defra is making robust arguments for a move to consolidation across the Defra network. The meeting also discussed the 25-year Environment Plan for England.
- 1.7 Professor Gilligan reported that a considerable amount of work had been undertaken in advance of the JNCC Review. Two Committee working groups

had been established, one comprising representatives from the country conservation bodies and one comprising independent members. Good communication between the two groups would be essential. Professor Gilligan requested that members be flexible and responsive during the Review.

2 Declaration of interests

2.1 No declarations were made.

3 Minutes of the September 2015 meeting (JNCC 15 35)

3.1 The minutes of the September meeting were approved.

4 Matters arising

4.1 There were no matters arising that were not addressed elsewhere in the agenda. An update on actions from the September meeting was provided in Annex 1.

4.2 Professor Matthews requested that an explanatory cover note be added to the draft JNCC strategy to support its use during the JNCC Review.

4.3 Professor Matthews reported that a Citizen Science event was taking place in Cardiff on 1 December. Whilst the concept was alluded to in paper JNCC 15 40 (paragraph 6.2) it could be more prominent.

5 Chief Executive's report on topical issues (in confidence) (JNCC 15 37)

6 Joint Committee effectiveness self-assessment and workshop (in confidence)

7 Performance report for quarter 2 2015/16 (JNCC 15 38)

7.1 Mr Yeo presented the paper providing information on JNCC's performance for the period ending 30 September 2015.

7.2 Mr Yeo advised Committee that the Executive Management Board considered the corporate performance for quarter 2 to be satisfactory. Nine PPMs are making good progress and five have some issues affecting delivery, with three of these forecasting some problems continuing to the year end. The Committee was informed that some re-scheduling of lower priority milestones had been undertaken to allow for higher priority work to be delivered. The implications of this had been discussed with the country conservation bodies.

- 7.3 Mr Yeo informed Committee that financial performance was good, with any underspend being used to fund the voluntary exit scheme alongside the Defra contribution of £300k.
- 7.4 Mr Yeo informed Committee that risks associated with future funding and uncertainties around the JNCC Review are particularly high. Action is being taken to manage these risks as effectively as possible.
- 7.5 Committee noted the report and made the following comments in discussion:-
- i. in relation to PPM 4.1, advice on the Irish Sea Front pSPA will be finalised shortly;
 - ii. JNCC will take on the EU LIFE National Contact Point role for the UK from January, supporting applications and assisting with bids for EU life funding; and
 - iii. work to develop a list of challenges and implications in relation to areas of risk and opportunity under the Nature Directives had reluctantly been postponed due to higher priority work.
- 7.6 Committee welcomed the format, presentation and transparency of the report and found the year-end assessments of performance particularly helpful.
- 7.7 Committee discussed the need for longer term consideration of JNCC's EU role given the EU referendum and the impact a withdrawal from the EU might have on JNCC. Committee noted that if the UK were to leave the EU it would still have commitments under global agreements such as the Convention on Biological Diversity. Committee was informed of a conference on the benefits to nature conservation of EU membership being organised by the Society for the Environment to take place in January.

8 Strategic direction for JNCC's evidence-related work (JNCC 15 40)

- 8.1 The item began with a short presentation from Dr Steve Wilkinson which gave background and context to the paper. The paper sets out the proposed approach to achieving the evidence aims of the draft JNCC strategy, with an overall aim of significantly improving the use of evidence in decision-making and the assessment of that evidence using natural capital principles.
- 8.2 Committee thanked Dr Wilkinson for an informative presentation that complemented the paper. Committee discussed the paper and made the following observations:
- i. the paper represents an elaboration of how the draft JNCC strategy would work in practice;
 - ii. the paper needs to take account of the broader context for JNCC's work, in particular interaction with the country conservation bodies;

- iii. the timescale of 18 months to deliver the proposed changes is challenging;
- iv. the outline plan should be costed with resource implications made clear;
- v. there was a need to identify services JNCC could provide in the future, taking into account where external resources might be available and what partnerships needed to be established;
- vi. the Chief Scientists Group should be engaged to help embed partnerships with the country conservation bodies;
- vii. taking forward a pilot project would help to test some of the ideas.

Action point(s)
AP05 Dr Wilkinson's presentation to be circulated to Committee members.

9 Business Plan for 2016/17 (in confidence) (JNCC 15 39)

10 Review of JNCC (in confidence) (JNCC 15 41)

11 Offshore functions of the JNCC (in confidence) (JNCC 15 42)

12 Report from the MPA sub-group (oral update)

12.1 Dr Brown gave an oral update.

12.2 The MPA Sub Group had held a teleconference on 23 October and discussed the following key items:

- i. *Irish Sea Front proposed SPA*. This site had been discussed by the sub-group in April when it was agreed that it met the SPA guidelines but was not a particularly strong case in isolation. At that time, the sub-group had agreed that it would be sensible to explore a larger cross-border site with the Isle of Man and Republic of Ireland. This has not been possible to progress and Defra have since asked JNCC to proceed with advice on a UK-only site. In October, the MPA sub-group discussed the original proposition and decided that the Manx Shearwater colony population estimates should be investigated further and that the appropriate caveats regarding any assessment against a reference population be explained in the departmental brief. These actions would be undertaken prior to the site being recommended to the Joint Committee Chair for advising to Defra.
- ii. *Greater Wash proposed SPA*. The sub-group had not reached consensus in consideration of this site proposal. The difficulties hinged around whether to determine the outer seaward boundary of the site on survey data for Little Gull, or whether simply to include Little Gull as a feature within a boundary determined by data for other species. The majority of members felt that the available Little Gull data were not adequate for boundary determination but that the data for terns and Red-throated Diver were. A seaward boundary based on Little Gull would lie beyond 12 nautical miles and would be a Joint Committee responsibility. JNCC and Natural England staff are producing a

more expansive analysis of the issues for the MPA sub-group and it was recommended that a decision be postponed until after the sub-group has considered this additional analysis. Joint Committee agreed to this.

13 Report from the Audit and Risk Assurance Committee (oral update)

13.1 Mr Duke gave a report of the meeting held the previous day.

13.2 The meeting had focused on:

- i. internal audit, including a progress report and matters arising from two audits (risk management and governance, scientific evidence);
- ii. external audit (draft annual strategy for external audit and timetable for production of JNCC Annual Report and Accounts);
- iii. risk, including the regular look at significant risks and preparation of the annual Joint Committee discussion on risk; and
- iv. a review of the fraud policy. In closed session ARAC had discussed the risks related to the JNCC Review.

13.3 Committee was informed that:

- i. internal audit for the year was on track for completion by mid-March;
- ii. the recent audit on risk management and governance had received a 'substantial' assurance rating;
- iii. the recent audit on scientific evidence had received a 'moderate' assurance rating, with the considerable progress made in this area noted by the auditors. The audit had looked in particular at the evidence quality assurance process in place in the CITES area, and there was some concern regarding the UNICORN IT system which is dated and no longer fully fit for purpose. ARAC noted the reputational and biological risks around CITES licensing and urged that pressure be put on Defra and the Animal and Plant Health Agency to put in place a new IT system. This may also be an issue to be flagged on the Defra risk register. Mr Nigel Reader had offered to flag such issues on JNCC's behalf through the regular meeting of the 'Big 4' ARAC Chairs;
- iv. the external audit strategy and timetable for production of the Annual Report and Accounts had been discussed. The timetable was considered challenging but achievable, though the review of JNCC would put added pressure on staff involved in delivering to the timetable. External audit will review the timetable with finance staff once the JNCC Review terms of reference have been published. The cost of external audit for 2015/16 was to be the same as last year at £18,500;
- v. management had been asked to consider the wording of the significant risks to see if these could be adjusted to better reflect the risks around the review of JNCC;
- vi. the revised fraud policy had been agreed, with management confirming that staff undertake relevant annual training;

- vii. the paper for the Joint Committee's annual discussion on risk had been discussed with risk appetite an important topic as staff required more guidance. Management will draft a paper for discussion at Joint Committee with input from the ARAC Chair and members intersessionally; and
 - viii. ARAC felt it would be advantageous to invite someone from the Defra Transformation Programme to the March meeting to discuss risks around the programme as it relates to JNCC functions.
- 13.4 Professor Gilligan informed the Committee that this was Mr Duke's final meeting as ARAC Chair. Professor Gilligan on behalf of the Committee thanked Mr Duke for his work with ARAC over the past three years.

14 Joint Committee Forward Programme (JNCC 15 43)

- 14.1 No comments were made on the Committee forward programme.
- 14.2 Professor Gilligan encouraged the Committee to take greater ownership of the forward programme to help inform future agendas and make the programme more strategic in its outlook.
- 14.3 It was agreed that in future the ARAC report would be considered earlier in the meeting to allow for greater discussion.
- 14.4 Committee was informed that the next meeting would take place in Peterborough on Thursday 17 March 2016.

15 Any other business

- 15.1 Nothing was discussed.